



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

March 22, 1995

Mr. Bryant Winterholer
K. J. Quinn & Co.
135 Folly Mill Road
Seabrook, NH 03874

Superfund Records Center

SITE: K. J. QUINNBREAK: 1912OTHER: 538431

Re: REQUEST FOR ACCESS TO PROPERTY
Quinn, K. J. & Co.
Seabrook, New Hampshire
CERCLIS NO. NHD048722466

Dear Mr. Winterholer:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to the property known as the K. J. Quinn & Co. located in Seabrook, New Hampshire.

EPA requests access to the property to conduct or oversee a site evaluation. Entry to the property to conduct this activity is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). This authorization provided by CERCLA includes access to private property in order to determine the need for response actions, to perform response actions, and to enforce CERCLA. Entry by EPA is also authorized under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297. Under that section EPA may enter property where hazardous wastes are or have been disposed of, transported from, generated, stored, or treated in order to enforce the provisions of RCRA.

CERCLA site evaluation activities may include information-gathering to determine whether hazardous substances, pollutants, and contaminants may be, or may have been released to the environment. In addition, EPA and its representatives may drive vehicles onto the site, collect samples, take photographs, and dispose of small amounts of decontamination fluid on the property. EPA or its representatives will offer the owner or company representative(s) replicates of the samples collected to be analyzed at their own expense. Prior to leaving the property, the EPA representatives will supply the owner or company representative(s) with a receipt for samples collected on the property.



SDMS DocID

538431

Please signify your consent to access by signing the attached document in the space provided, and return it to me at the following address:

Donald R. Smith
U. S. Environmental Protection Agency
HSS - CAN
J. F. Kennedy Federal Building
Boston, MA 02203-2211

The access agreement must be signed by all owners, operators or their authorized representatives of the property. If EPA does not receive a reply within **ten (10) business days** of your receipt of this letter, it will become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access.

Your cooperation in assisting with completion of CERCLA site evaluation activities is appreciated. If you have any questions, I may be contacted at 617 573-9648. Please direct all communications from your legal counsel to Ms. Ruthann Sherman at 617 565-3666.

Sincerely,



Donald R. Smith
New Hampshire Site Assessment Manager
Superfund Support Section
Waste Management Division

Enclosure

cc: Ruthann Sherman, EPA ORC
Larry Cohen, S & W
Charles Berube, NH DES

CONSENT FOR ACCESS TO PROPERTY

I (We), the Owner or representative of the property known as **K. J. Quinn & Co.** located in **Seabrook, New Hampshire**, shall permit EPA's officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives, to enter and have continued access to this property for the purpose of conducting a CERCLA site evaluation.

I (we) realize that these actions are undertaken under EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____

CONSENT OF ADDITIONAL OWNER(s)

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____

S & W (L. Cohen)

